

**Government of the District of Columbia**  
**ZONING COMMISSION**



ZONING COMMISSION ORDER NO. 412  
Case No. 83-5M/79-14F  
November 21, 1983

Pursuant to notice, a public hearing of the District of Columbia Zoning Commission was held on September 26, 1983. At that hearing session, the Zoning Commission considered an application from the Hillandale Development Corporation. The application requested a modification to an approved Planned Unit Development (PUD), pursuant to Section 7501 of the Zoning Regulations of the District of Columbia. No change of zoning was requested. The hearing was conducted in accordance with the provisions of Chapter 6 of the Rules of Practice and Procedure before the Zoning Commission.

FINDINGS OF FACT

1. The subject application was filed on April 22, 1983 and requested a modification to Zoning Commission Order No. 305 which was the decision of the Zoning Commission in Case No. 79-14/79-6F (Final PUD @ 3905 Reservoir Road, N.W. - Hillandale). The PUD approval was for a residential development of 268 single-family dwelling units on approximately forty-two acres of land.
2. Z.C. Order No. 305 dated January 10, 1980 granted approval to Case No. 79-14/79-6F, subject to certain development conditions, guidelines, and standards. That condition which requires that the entire project be completed not later than January 10, 1984 is the subject of this application.
3. The application requests to modify that condition and approve an extension of ten years beyond January 10, 1984, namely until January 10, 1994, to complete the project.
4. At the public hearing, the applicant, through counsel, revised its application and requested the Commission to consider approving a modification to Z.C. Order No. 305 that would grant an unlimited period of time to complete the project.
5. The first phase of the entire project had been

completed but, because of unfavorable market conditions, the financing and sale of those dwelling units had been impaired. The construction of the balance of the project had been delayed for the same reasons. The applicant's representative indicated that at least a ten year extension, and preferably an unlimited extension, was necessary in order to complete the project when economic conditions improved.

6. The applicant's financial expert, by testimony presented at the public hearing, substantiated the applicant's requirement to delay further development because of the condition of the existing economic market.
7. The District of Columbia Office of Planning, by memorandum dated September 16, 1983 and by testimony presented at the public hearing, supported a ten-year extension to permit the completion of the project. Contrary to the recommendation of certain citizen groups, the Office of Planning believed it was "unrealistic to expect this multi-phase development to be completed in five years, and unnecessary to require this developer to return in five years for an extension, given the exemplary quality of first phase development, amenities and the condition of the site generally."
8. Advisory Neighborhood Commission - 3B, by letter dated August 3, 1983, supported a five-year extension, only. The ANC believed that, because of the potential cumulative negative affect of several developments in the subject area, it preferred the Zoning Commission and the community to have an opportunity to conduct a neighborhood impact review after five years.
9. The Hillandale Homeowners' Association, by letter dated August 31, 1983, supported the ten-year extension because, without an extension to Zoning Commission Order No. 305, the economic viability of the entire project would be in jeopardy.
10. City Councilmember Polly Shackleton, by letter dated September 19, 1983, supported the application to allow for the completion of the project.
11. The Georgetown University, by letter dated September 26, 1983, supported the ten-year extension because it believed that the development will greatly minimize further congestion along Reservoir Road by helping to maintain a residential environment in the area.
12. The Burleith Citizens Association (BCA), by letter

dated September 26, 1983 and by testimony presented at the public hearing, opposed the ten-year extension because it believed it was too long a period of time and would serve as a disincentive for the applicant to complete the project. The BCA recommended a five-year extension.

13. As to the concern of ANC-3B regarding the potential cumulative negative affect of development in the area, the Commission considered this matter when it granted approval to the PUD as per Z.C. Order No. 305. The Commission does not believe that conditions in the subject area have so changed as to believe that a ten-year extension of time to develop the project would adversely affect the neighborhood.
14. The Commission concurs with the Office of Planning and believes that it is unrealistic and unreasonable to expect the development to be completed in five years, considering the existing economic climate.
15. The Commission notes that the applicant has demonstrated its intention to develop the project by completing phase one under a rather difficult financial market and by completing the majority of the infra-structure for the entire project. The Commission further believes that a ten year extension would not serve as a disincentive to complete the project.
16. The applicant's request to grant an unlimited extension, can not be considered because it is beyond the scope of the advertised notice of public hearing for this case.
17. The proposed action of the Zoning Commission to approve a ten-year extension was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self Government and Governmental Reorganization Act. The NCPC reported that the modification proposed by the Zoning Commission would not adversely affect the Federal Establishment or other Federal interests in the National Capital nor be inconsistent with the Comprehensive Plan for the National Capital.

#### CONCLUSIONS OF LAW

1. The subject application is properly processed as a modification to the previously approved PUD.
2. The Planned Unit Development process is an appropriate means of controlling development at the subject site.

3. Approval of this application to modify an approved PUD is appropriate because it would reinforce the intent of the original PUD approval and would result in a project that is consistent with the present character of the area and because it, would encourage stability of the area.
4. The approval of the application would promote orderly development in conformity with the District of Columbia Zone Plan as embodied in the Zoning Regulations and Map of the District of Columbia.
5. The application can be approved with conditions which would ensure that development would not have an adverse affect on the surrounding area.
6. The Commission takes note of the position of Advisory Neighborhood Commission - 3B and in its decision has accorded the ANC the "great weight" to which it is entitled.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission of the District of Columbia hereby orders APPROVAL of a ten-year extension to Z.C. Order No. 305, namely until January 10, 1994.

Vote of the Commission taken at the public meeting on October 17, 1983: 5-0 (George M. White, John G. Parsons, Walter B. Lewis and Lindsley Williams, to approve - Maybelle T. Bennett, to approve by absentee vote).

This order was adopted by the Zoning Commission at its public meeting held on November 21, 1983 by a vote of 5-0 (Commissioners Walter B. Lewis, Maybelle T. Bennett, John G. Parsons and Lindsley Williams to adopt, George M. White to adopt by absentee vote).

In accordance with Section 4.5 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this amendment to Z.C. Order No. 305 is effective upon publication in the D.C. Register, specifically on

DEC 16 1983



LINDSLEY WILLIAMS  
Chairman  
Zoning Commission



STEVEN E. SHER  
Executive Director  
Zoning Secretariat